



# Child Support Act 1991

## 1991 CHAPTER 48

### *Reviews and appeals*

#### **28 Power of [<sup>F1</sup>Secretary of State] to initiate or defend actions of declarator: Scotland.**

[<sup>F2</sup>(1) Subsection (1A) applies in any case where—

- (a) an application for a [<sup>F3</sup>maintenance calculation] has been made [<sup>F4</sup>...], or a [<sup>F3</sup>maintenance calculation] is in force, with respect to a person (“the alleged parent”) who denies that he is a parent of a child with respect to whom the application [<sup>F5</sup>was made [<sup>F4</sup>... or the calculation was made]; and
- (b) [<sup>F6</sup>the [<sup>F7</sup>Secretary of State]] is not satisfied that the case falls within one of those set out in section 26(2).

(1A) In any case where this subsection applies, the [<sup>F8</sup>Secretary of State] may bring an action for declarator of parentage under section 7 of the Law Reform (Parent and Child) (Scotland) Act 1986.]

(2) The [<sup>F9</sup>Secretary of State] may defend an action for declarator of non-parentage or illegitimacy brought by a person named as the alleged parent in an application for a [<sup>F3</sup>maintenance calculation][<sup>F10</sup>or in a [<sup>F3</sup>maintenance calculation] which is in force].

(3) This section applies to Scotland only.

#### **Textual Amendments**

- F1** Words in s. 28 heading substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 19](#)
- F2** S. 28(1)(1A) substituted for s. 28(1) (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), [ss. 20\(6\)](#), 30(4); S.I. 1995/2302, art. 2, [Sch. Pt. 1](#)
- F3** Words in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 1\(2\)\(a\)](#), 86(1)(a)(2) (with [ss. 28](#), 83(6)); S.I. 2003/192, art. 3, [Sch.](#)
- F4** Words in s. 28(1)(a) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)

---

**Status:** Point in time view as at 10/02/2015.

**Changes to legislation:** Child Support Act 1991, Section 28 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

- F5** Words in s. 28(1)(a) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(10)(b)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F6** Words in s. 28(1) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), **Sch. 7 para. 33**; S.I. 1999/1510, art. 2(g)(iii)
- F7** Words in s. 28(1)(b) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 19**
- F8** Words in s. 28(1A) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 19**
- F9** Words in s. 28(2) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 19**
- F10** Words in s. 28(2) inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), **ss. 20(7)**, 30(4); S.I. 1995/2302, art. 2, Sch. Pt. 1

**Status:**

Point in time view as at 10/02/2015.

**Changes to legislation:**

Child Support Act 1991, Section 28 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.